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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Effects of foreign debt and other related financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith to the General Assembly the report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Juan Pablo Bohoslavsky, submitted pursuant to Human Rights Council resolutions 25/16 and 34/3.

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Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

Impact of economic reforms and austerity measures on women's human rights

Summary

In the present report, the Independent Expert discusses the impact of economic reforms, in particular austerity and fiscal consolidation measures, on women's human rights. He argues that the prevailing current economic system is based on various forms of gender discrimination. The value of unpaid work and its contribution to the economy is, for the most part, not taken into account by mainstream economic thinking. Highlighting some economic models, the report looks into unpaid care work, which is done mostly by women, and how it underpins economic growth, unjustly absorbs economic shocks and compensates for austerity measures.

The Independent Expert offers insight into the particular channels through which economic reform policies affect women's human rights and suggests what can and should be done to prevent and address negative impacts. He argues that a human rights perspective, combined with a feminist economics analysis, can help to expose such policy biases, for which a gender-sensitive human rights impact assessment of economic reform policies is essential. Furthermore, that combination of perspective and analysis can guide policymakers in devising alternative solutions that are inclusive and advance gender equality and human rights.

A human rights approach to economic and regulatory issues should aim at addressing asymmetric power relations between men and women that are at the core of gender inequality. In that context, the report briefly discusses some elements of economic reform policies that affect the right to work, social security, housing, food, water and health. In addition, it addresses the role of the international financial institutions that, through their lending programmes, surveillance and technical assistance, prescribe macroeconomic policies that have implications for gender equality.

I. Introduction

1. The present report is a building block in the process towards the development of guiding principles for human rights impact assessments of economic policy reforms.[1] It aims at identifying gender and human rights arguments that may be crucial to the development of the guiding principles.

2. In his most recent report to the Human Rights Council (A/HRC/37/54), the Independent Expert describes the evolution in structural reform, austerity and fiscal consolidation responses to economic crises and explains how those policies affect human rights. In the light of analyses conducted in recent years indicating that those economic policies have not been gender-responsive, he argues that economic reform programmes must be gender-responsive, inclusive and advance human rights. Meeting human rights standards, which should be an essential requirement, may also have a positive impact in other respects, including economically.

3. A gender lens, embedded in the human rights impact assessment of economic reform policies, will guide States and financial institutions in considering policies to enhance substantive equality for women or, at a minimum, to avoid adverse effects on women's human rights.

4. According to some analyses, the rapid growth of economic globalization held some promise for women's human rights. However, looking back over the past 30 years, it appears that potential has not been fully realized. Where new transnational operations have been set up and created jobs for women, mostly in export processing industries and value chains, the majority of those jobs have been extremely precarious and the among worst paid and most exploitative, all while maximizing corporate profits. Women remain occupationally segregated; a systematic gender pay gap exists around the world, and millions of women face poor working conditions, low paying jobs and lack of social protection coverage.[2]

5. Austerity-related labour law reforms, including flexibilization in the labour market, often erode labour rights and result in retrogression in work-related equality measures, to the detriment of women. Upward trends in unemployment, growing work precarity and cuts to public investment in essential social services around the globe[3] have served to increase inequality and reduce prospects of economic recovery, ultimately putting the enjoyment of human rights at significant risk. Unfortunately, such trends closely follow the patterns of previous global and regional crises.

6. A decade after from the recession of 2007–2008, millions of people around the world, in particular women, continue to face significant social and economic hardship, because of both the crisis itself and the responses by Governments to it. In the immediate aftermath of the crisis, many States put in place fiscal stimulus packages and boosted social protection programmes to protect businesses and jobs and address poverty and inequality. However, in the wake of economic slowdowns and increased public deficits, there has been a global turn towards austerity, structural adjustment and fiscal consolidation.

7. Today, over two thirds of countries around the world — most of them upon the advice of international financial institutions — are contracting their public purses and

[1] The Human Rights Council, in its resolution 34/3, requested the Independent Expert to develop guiding principles for human rights impact assessments of economic reform policies.

[2] United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Progress of the World's Women 2015–2016: Transforming Economies, Realizing Rights* (New York, 2015), p. 14.

[3] International Labour Organization (ILO), *World Employment and Social Outlook — Trends 2018* (Geneva, 2018).

limiting, rather than expanding, their fiscal space.[4] While structural adjustment and fiscal consolidation policies can have massive adverse impacts on the human rights of persons in situations of vulnerability, most of those policies have not been designed or implemented in a manner that would promote or safeguard human rights, let alone be sensitive to their gendered impacts.

8. Many transnational corporations are more powerful than States. Especially in times of austerity, when public services have been increasingly privatized and public-sector jobs have been cut, the power of Governments to regulate those corporations and to hold them accountable has been considerably weakened.

9. Lessons learned from responses to earlier crises regarding the importance of protecting social spending have not been applied. Sadly, the increasing emphasis on the instrumental role of human rights in improving development outcomes has not played a sufficiently explicit role in the analyses or structuring of responses by Governments and international financial institutions.[5]

10. Macroeconomic policies are most often male-biased, partially because mainstream economics is androcentric and continues to be treated as a science without a social content. Hence, zooming in on the effects of austerity on women helps not only to show that overly restrictive macroeconomic targets and spending cuts have devastating consequences on human rights, but also to understand, unravel and denounce the gender power relations that operate underneath the economic system.[6]

11. In the sphere of production, in which labour used to create exchange value in markets, women are more likely to be employed in the public sector, especially as service providers in the education and health-care fields. Women are also employed in low-paid and precarious jobs and in the informal economy. Hence, cuts in employment opportunities in both the public and private sector have sent many women into unemployment, underemployment or temporary job positions, increasing their financial insecurity, the gender employment gap and the wage gap.

12. Cuts to social services also often intensify the demand for unpaid care work, which is disproportionately carried out by women and girls (notably in poor households) and, thus, forcing them to fill the gaps. In addition, in the light of all the forms of violence and discrimination that women face, emerging evidence suggests that the burden of the crisis has been disproportionately shouldered by women owing to, inter alia, reductions in public sector employment, cuts and caps on public sector wages,[7] the phasing out of basic subsidies, cuts to social welfare services and benefits, and reforms to pensions. The impact has been particularly heavy on those who are exposed to multiple and intersecting forms of marginalization owing to economic and social status, race, sexual orientation or migrant status, among other dimensions.

13. In addition, loss of or changes to household income might also reshape the decision-making power of women, leading to less spending on goods and services

[4] Isabel Ortiz, Matthew Cummins and Kalaivani Karunanethy, "Fiscal space for social protection and the SDGs: options to expand social investments in 187 countries", ESS Working Paper No. 48 (Geneva, ILO, 2017).

[5] Juan Pablo Bohoslavsky and Kunibert Raffer, eds., *Sovereign Debt Crises: What Have We Learned?* (Cambridge, United Kingdom of Great Britain and Northern Ireland, Cambridge University Press, 2017).

[6] The Independent Expert thanks all stakeholders for their contributions to the present report, available at www.ohchr.org/EN/Issues/Development/IEDebt/Pages/ ImpactEconomicReform PoliciesWomen.aspx. He thanks Dr.Abby Kendrick of New York University for her contribution to the report and the staff of the Office of the United Nations High Commissioner for Human Rights who work in support of the mandate.

[7] Trade Union Congress, *The Impact on Women of Recession and Austerity* (London, 2015). Available at www.tuc.org.uk/sites/default/files/WomenRecession.pdf.

that are likely to generate benefits for women and children, in particular girls. Such economic pressures may also contribute to increasing rates of domestic violence.[8] In addition, typically owing to women's unequal social and legal status, they do not have equal opportunities to begin with, and whatever may have been gained through their work is eroded when income is lost because of austerity measures.

14. In the present report, the Independent Expert offers insight into the particular channels through which economic reform policies affect women's human rights and suggests what can and should be done to prevent and address negative impacts. He argues that a human rights perspective, combined with a feminist economics analysis, can help expose the policy biases that are involved. Furthermore, this combination of perspective and analysis can guide policymakers in devising alternative solutions that are inclusive and advance gender equality and human rights.

II. Structural labour market segregation and its relationship to discrimination

15. The impacts of economic reform policies on women's human rights become clearer when analysing the development of economic policies and their link with the labour market. Such analysis is also essential to devising appropriate strategies to achieve substantive equality for women in the labour market, including access to fair and just conditions of work, and to take into account the tremendous contribution of unpaid care work to the economy and the paid workforce.[9]

16. Feminist economists have questioned the credibility of both traditional and mainstream economic thinking in general, and argue that the focus on "monetized aspects of economy" has ignored the value of unpaid care work and its economic contribution.[10]

17. Modern labour economics has considered women's work from standard neoclassical models of labour supply, which assume that each individual's optimal choices are made independent of anyone else's preferences and decisions. The unitary (and traditional) household model assumes that two individuals have the same decision-making power, thus making the household act as a single decision-making unit. That model does not take into account who controls and allocates household resources, nor does it reflect patriarchal aspects of decision-making within the household. Such models do not consider either the impact of the individual's ability or right to take part in decision-making within the household or the potential alternatives when there is no agreement.[11]

18. While some mainstream economists now use bargaining models, they still assume that the processes that govern intra-household decision-making are 'choice-based' and 'gender-neutral'. Models that do not take into account the actual imbalance in power dynamics and factors surrounding decision-making within the household will continue to perpetuate inequalities and structural discrimination. Economic policies based on models that ascribe greater worth to the productive sphere than to unpaid work also do the same.

[8] UN-Women, *The Global Economic Crisis and Gender Equality* (New York, 2014), p. 11.

[9] See for example, McKinsey Global Institute *The Power of Parity: How Advancing Women's Equality Can Add $12 Trillion to Global Growth* (2015).

[10] Shahra Razavi, *The Political and Social Economy of Care in a Development Context: Conceptual Issues, Research Questions and Policy Options*, Gender and Development Programme Paper, No. 3 (Geneva, United Nations Research Institute for Social Development, 2007).

[11] Elizabeth Katz, "The intra-household economics of voice and exit", *Feminist Economics*, vol. 3, No. 3 (1997).

19. As feminist economists have been pointing out for decades, women's unpaid work has contributed a great deal of support to the economic system. It has also absorbed the consequences of crises at various levels.[12] Responses to crises that result in cuts to public spending and care-related sectors, for instance, are likely to have an important impact on the burden of unpaid care work, as caring costs are shifted from paid work to unpaid work and from States to households. Moreover, whether during crises or not, women often perform work that "contributes to well-being and feeds into economic growth through the reproduction of a labour force (...)".[13]

20. Being that unpaid care work is defined by its contents (needs-met) or its ultimate motivation, it is clear that it goes beyond the act of caring (or wanting to care) for others in itself. The United Nations Research Institute for Social Development defines unpaid care work as, among other things, "housework (meal preparation, cleaning) and care of persons (bathing a child, watching over a frail elderly person) carried out in homes and communities".[14]

21. Unpaid care work is a major challenge affecting the expansion of female employment.[15] The absence of adequate, well-designed policies that contribute to reducing the burden of unpaid care work, such as affordable child and elderly care services, have a big impact on women's representation in the paid workforce. Many countries have continued to cut and/or privatize these services through the withdrawal of social benefits and labour protections in respect of working hours, maternity and childcare benefits, and disability benefits. As a result, responsibilities that were fulfilled and/or supported by the State increasingly fall upon the most marginalized women and girls.

22. How social reproduction[16] is organized influences the weight of unpaid care work in the economic system. Studies show that women are still responsible for more than 75 per cent of all unpaid care work done worldwide,[17] which demonstrates that the provision of social infrastructure to reduce the need for unpaid care work has been inadequate.[18] In fact, cuts in care-related social spending only add to gender-related economic inequality. More women than men are likely to be affected since they are more likely to use public services to exercise their rights in many areas, such as health-related matters, and given that their life expectancy is greater, they require service for longer periods of time.[19] They also comprise the majority of benefit recipients. Most important, women are also filling gaps in care deficits by taking up more unpaid care work at home or low-paid care work by, for instance, working as domestic workers.

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[12] Razavi, *The Political and Social Economy*, pp. 8–9.

[13] UN-Women, *The Global Economic Crisis*, p. 41.

[14] United Nations Research Institute for Social Development, *Why Care Matters for Social Development*, Research and Policy Brief, No. 9 (Geneva, 2010).

[15] Razavi, *The Political and Social Economy*, p. 1.

[16] Social reproduction refers to "the activities and attitudes, behaviours and emotions, responsibilities and relationships directly involved in the maintenance of life on a daily basis, and intergenerationally. Among other things, social reproduction includes how food, clothing, and shelter are made available for immediate consumption, the ways in which the care and socialization of children are provided, the care of the infirm and elderly, and the social organization of sexuality"... Barbara Laslett and Johanna Brenner, "Gender and social reproduction: historical perspectives", *Annual Review of Sociology*, vol. 15 (1989), pp. 382–383.

[17] ILO, *Care Work and Care Jobs for the Future of Decent Work* (Geneva, 2018), p. 53.

[18] Diane Elson, "A gender-equitable macroeconomic framework for Europe", in Hannah Bargawi, Giovanni Cozzi and Susan Himmelweit eds., *Economics and Austerity in Europe: Gendered Impacts and Sustainable Alternatives* (Abingdon, United Kingdom, Routledge, 2017), p. 16.

[19] See the submission by the Committee for the Abolition of Illegitimate Debt to the Independent Expert. Available at https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/ImpactEconomicReformPoliciesWomen.aspx.

23. In sum, in assessing the impact of economic reform policies on women's human rights, specific attention should be paid to the factors affecting women's access to decent work and productive resources and to the extent of their contributions in terms of unpaid work. That, in turn, requires the consideration of the division of labour within the household and the impacts of unpaid work outside that sphere.

III. The impact of austerity-driven policies on women's human rights

24. Ingrained economic, social and cultural discriminatory practices, stereotypes and norms targeting women can often mean that women have fewer resources and enjoy less security and safety than men. That is particularly evident when considering the broad range of stigma and stereotypes that women face throughout the various stages of their lives. It also becomes apparent when analysing the labour market and, in particular, the distribution of unpaid care work, occupational segregation, discrimination in the workplace and the gender pay gap.

25. Economic crises affect women in a disproportionate manner, not only because crises affect specific human rights, but also because the State and society as a whole tend to rely even more on women's unpaid care work to make up for the lack of or reductions in public services. Such effects are also more visible given that women, who face entrenched discrimination, inequality and power imbalances, tend to make use of safety nets provided by the State more often than men.

26. In some regions, the triple jeopardy of austerity, which sees women suffer simultaneously as public-sector workers, service users and the main recipients of social security protection benefits, has specific implications in terms of care. That in turn aggravates labour market gender discrimination and occupational segregation. Cuts to social care have reduced access to many crucial services. Loss of jobs within the care sector and public sector pay freezes have also affected women.

27. Such affects vary considerably depending on the context. In a world where only 27 per cent of the population enjoys full access to social protection,[20] many women do not have access to any social protection. Women tend to be overrepresented among the remaining 73 per cent who either lack coverage or are only partially covered. Adequate social protection provided by States is not only required to level the playing field between women and men but also to ensure that women have access to services and income in order to realize their basic human rights.

28. Emerging evidence suggests that women who are already facing the greatest disadvantages are also those who are most affected by cuts in areas touching on a wide range of human rights. For instance, in the United Kingdom of Great Britain and Northern Ireland, long before the latest crisis took hold, women who belong to minorities had been statistically more likely to be employed in the public sector as teachers, nurses and social workers. They had also been more likely to work for State entities through private-sector subcontractors as care workers, cleaners, caterers, etc., and, owing to their disproportionately high burden of care-giver responsibilities, have also been more likely to be connected to the State at the local level through their use of public services, all of which have come under focused attack through austerity cuts.[21]

[20] UN-Women, *Progress of the World's Women 2015–2016*, p. 15.

[21] Akwugo Emejulu and Leah Bassel, "Minority women, austerity and activism", *Race and Class*, vol. 57, No. 2 (October–December 2015).

29. It is important to keep in mind the diversity of women, as they cannot be seen as a monolithic group. The experiences of women in different social groups are unique, and those who suffer the most from financial crises and their aftermath are often the ones who are least involved in their making. Given that women are more likely to live in poverty, changes to and reductions in benefits and public spending hit the most exposed and marginalized groups of women harder. That highlights the cumulative impacts of multi-layered discrimination on women's human rights.

30. Women and girls experience those impacts differently throughout their lives, hence the importance of a life-cycle approach to addressing those impacts (see A/HRC/26/39). Social security and pension cuts, for example, may affect older women in particular. Cuts in subsidies for education and those that affect basic services, housing, transportation and food can push girls and single mothers out of school and may engender specific negative consequences for younger women. Cuts in childcare services pose major obstacles to women's equal participation in higher education, for example. The Committee on the Elimination of Discrimination against Women has emphasized that "privatization has specific negative consequences for girls and women and in particular girls from lower income households, namely, their exclusion from education".[22] Often, parents who cannot afford to send all their children to school will prioritize sending their boys.

The impact on women's right to work

31. The economic crisis in 2007–2008 had major effects on unemployment for both men and women around the world. However, the timing of those effects has taken on a gendered trend given occupational segregation. Job losses affected industries that were sensitive to falling output, such as the manufacturing and construction sectors, which, depending on the geographical context, are sectors dominated by men (for example, construction in industrialized countries) or by women (for example, manufacturing in some developing countries).[23] In industrialized countries,[24] sectors that are generally dominated by men recovered faster owing, in large part, to the targeting of fiscal stimulus programmes towards industries that had initially been most affected. In a later phase, characterized by widespread austerity, fiscal consolidation and labour market reforms, women's employment, which was disproportionately concentrated in the public sector and other sectors that were more sensitive to such measures, was more greatly affected.

32. Outside the public sector, economic reforms implemented in the global South following the crisis have affected women's work in distinct ways. For example, in the agricultural sector, the removal of agricultural subsidies has increased the price of staple foods. Combined with trade liberalization policies and currency devaluation, the increase in the cost of imported staples and agricultural products such as fertilizer have priced local producers — most often women — out of the market and out of jobs.

33. Owing to the significance of remittances by migrant workers to their countries of origin, Governments in those countries have promoted the employment of women abroad as domestic workers, even though in many cases the women work in slavery-like conditions. This is part of the so-called global care chains that appear when the State does not provide public care services; many women can engage in paid

[22] Committee on the Elimination of Discrimination against Women, general recommendation No. 36 (2017) on the right of girls and women to education.

[23] UN-Women, *The Global Economic Crisis*, p. 4.

[24] Maria Karamessini and Jill Rubery, eds., *Women and Austerity: The Economic Crisis and the Future of Gender Equality* (Abingdon, Routledge, 2014).

employment only if they pay other women — usually from lower income brackets — to take over their care responsibilities.

34. In turn, important cuts to employment also affect remittance flows of migrants, who are "recognized as providing essential support to households in many low- and medium-income countries".[25] Job losses particularly affecting female-dominated sectors such as domestic work or exportation-led fields may have further repercussions for the ability of women workers to provide such economic support.

35. A related phenomenon is the often-seen increase in women's participation in the labour market during economic crises, arising from the need to supplement household income. However, the increase is mainly seen in the informal sector. According to the United Nations Entity for Gender Equality and the Empowerment of Women, more than 80, 74 and 54 per cent of all women employed in non-agricultural jobs in South Asia, sub-Saharan Africa and Latin America and the Caribbean, respectively, are employed in the informal sector.[26] Women and girls are more likely to be working under hazardous conditions and at the lowest levels of transnational corporation value chains, sometimes as intergenerational bonded labourers, and are vulnerable to sexual exploitation and other types of abuse. In such contexts, where women often have no recourse but to engage in riskier work, violations of labour standards are less apparent and those women are more likely to be rendered invisible.

36. Reforms that result in a reduction in the percentage of workers covered by collective bargaining arrangements also exacerbate gender pay gaps. Evidence shows that collective bargaining arrangements play an important role in reducing employer discretion and gender pay gaps.[27] Studies have demonstrated that countries with collective bargaining coverage of 80 percent or greater have narrower gender pay gaps.[28]

37. Women tend to be overrepresented in low-paid work, with inadequate minimum wages contributing to the gender pay gap and to working women's poverty.[29] The 2014, a general survey on minimum wage systems conducted by the International Labour Organization (ILO) noted that minimum wages do not necessarily constitute a living wage since they do not ensure adequate livelihoods for workers and their families.[30] Moreover, in some countries, minimum wages have been reduced as part of austerity measures, or have not been adjusted to take into account inflation and the real cost of living, leading to a reduction in their real value over time.[31]

The impact on women's right to social security

38. In some countries, the breakdown of social protection systems has had an impact on women's right to social security in many ways, including through reductions in

[25] Jane Lethbridge, "Impact of the global economic crisis and austerity measures on women", report commissioned by Public Services International, May 2012, p. 20.

[26] See www.unwomen.org/en/news/in-focus/csw61/women-in-informal-economy.

[27] ILO, *Reducing Inequalities in Europe: How Industrial Relations and Labour Policies Can Close the Gap* (Geneva, 2018).

[28] See for example, Jill Rubery and Damian Grimshaw, "Gender and the minimum wage", in ILO, *Regulating for Decent Work: New Directions in Labour Market Regulation* (London, Palgrave, 2011).

[29] Labour 20 Argentina, "Economic and social policy brief: the case for wage-led growth", 20 April 2018.

[30] ILO, *General Survey of the Reports on the Minimum Wage Fixing Convention, 1970 (No. 131), and the Minimum Wage Fixing Recommendation 1970 (No. 135)*, ILC.103/III/1B (Geneva, 2014).

[31] International Trade Union Confederation, "International Trade Union Confederation 2017 global poll", 2018; Labour 20 Argentina, "Economic and social policy brief: the case for wage-led growth", 20 April 2018.

various unemployment, social, family and maternity benefits and in aid to the elderly and to dependent persons.

39. The situation is worse for women who experience multiple and intersecting forms of discrimination owing to their socioeconomic status, age, race, sexual orientation or migrant status, among other dimensions. For example, single mothers and members of minority groups are more likely to be affected by cuts to benefits and tax credits because they are more likely to be living in poverty, with dependent children and in large families, adding to the burdens facing those marginalized groups.[32]

40. Those effects are more severe when considered alongside other institutional reforms. In Spain, for instance, following European Commission guidelines,[33] access to pensions and social security is increasingly being tied to work-related criteria, with payments more likely to depend on the amount of contributions made over a worker's entire career.[34] In effect, the more someone works and contributes through salary deductions, the more protection and entitlements they will receive upon retirement. Such forms of social protection schemes lead to exclusion and the erosion of the solidarity-based human rights principle of social protection and marginalize women from the very beginning, given that they generally have more breaks and interruptions in their work history and are paid less over the course of their careers because of gender wage discrimination.

41. In addition, reforms adopted in response to economic shocks may lead to a reduction of universal benefits and a narrowing of cash transfers programmes. The total impact of cuts to social security on women's human rights is therefore multiplicative.

The impact on women's right to housing, water and food

42. The impacts of austerity measures on women's right to housing are multiple, ranging from evictions, to rental price hikes, reductions in social housing, the growth of informal settlements and in subletting. Privatization and deregulation of the housing market in reaction to economic crises have affected women in a particular manner, exacerbating the challenges they face in gaining access to adequate housing (see A/HRC/19/53). In addition, spending cuts can also touch specific programmes such as those providing social housing or those aiming at preventing and combating violence against women through providing shelter to escape domestic violence. The closing of those shelters, which constitute alternative housing, may put women at greater risk of violence and contribute to the occurrence of homelessness and poverty.

43. Land policy also can negatively affect women in similar ways. That is particularly worrying for various reasons. The lack of security of tenure over land used to sustain livelihoods has important implications for the enjoyment of the right to food and housing, especially in terms of access and availability, while also putting those women at risk of eviction and dispossession. One of the results of economic reforms and rising food and fuel prices has been an increase in large-scale land acquisitions. Because women make up the majority of the world's small farmers, such

[32] See the submission of the Women's Budget Group to the Independent Expert. Available at https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/ImpactEconomicReformPoliciesWomen.aspx.

[33] European Commission, "Non-standard employment and access to social security benefits", research note 8/2015, January 2016.

[34] Núria Pumar Beltrán, "Mainstreaming gender in Spanish labour and pension reforms and in European social policies", in Beth Goldblatt and Lucie Lamarche, eds., *Women's Rights to Social Security and Social Protection* (Portland, Oregon, Hart Publishing, 2014).

acquisitions make their situation even more precarious, either further depriving them of access to land or making their rights over land less secure.[35]

44. Privatization of and under-investment in water infrastructure and water services have important impacts on women. For example, it could mean that people must go to public wells to collect water. The privatization of pipeline services may restrict their extension because such extensions may be deemed not to be profitable. Bearing in mind that in many poor communities, where fetching water is a task that "overwhelmingly falls to women and girls" (see A/HRC/24/44), the impact of privatization and under-investment has important consequences in terms of the time allocated by women to unpaid work. Moreover, the fetching of water forces many girls to abandon their schooling, may affect their health (since the weight of water being carried often on the head can cause back and neck pains), and exposes them to the risk of violence that is often present on the journey, especially if the journey is to a river or a waterhole.

45. Accessibility, affordability and availability of food are critical aspects of women's enjoyment of their right to food. The loss of household income, triggered by austerity, may have a negative impact on the quality and quantity of food purchased, as observed in Eastern Europe and Central Asia.[36] Poor households, especially those headed by women, spend a larger proportion of the family budget on food. That can trigger negative coping mechanisms. In the face of a loss in household income, child malnutrition could also ensue. If the gender norm in a particular context is one of strong preference for consumption for sons, then it is likely that girls will be more negatively affected than boys in situations of food scarcity. Women with children and older persons may often reduce their protein intake in favour of other type of intake, which, in turn, may endanger their health.

The impact on women's right to health

46. Cuts to health-care budgets affect both men and women. However, negative effects on women are likely to be disproportionate because women use health-care services largely owing to gender-specific needs and disadvantage induced by economic system.[37] Not only can cuts affect women as users and workers but they also may impose additional burdens. Spending cuts affecting the level of service provided or the amount of time spent in the hospital may have great impacts on caregivers and on unpaid care work as a whole. In this context, caring for sick people may often by handled by relatives, who are likely to be women.

47. Many countries have seen cuts to women-specific health services. In the Democratic Republic of the Congo, the de facto privatization of health-care services has meant that pregnant women must provide evidence that they can pay for pre-natal and maternity care in order to receive it and, if they cannot afford to pay, may be held hostage after giving birth until payment is made.[38] That may create disincentives for women in seeking appropriate, safe maternal and neonatal care, increasing the risk maternal and neonatal death and negatively affecting women's health and sexual and reproductive rights in fundamental ways.

[35] Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016) on the rights of rural women, para. 62 (c).

[36] Lethbridge, "Impact of the global economic crisis", p. 5.

[37] Kate Donald and Nicholas Lusiani, "The gendered costs of austerity: assessing the IMF's role in budget cuts which threaten women's rights", September 2017. Available at www.brettonwoodsproject.org/wp-content/uploads/2017/09/The-IMF-Gender-Equality-and-Expenditure-Policy-CESR-and-BWP-Sept-2017.pdf.

[38] See the submission of the Committee for the Abolition of Illegitimate Debt to the Independent Expert.

48. Again, the total impact of cuts to care services on women's human rights is multidimensional. In Ukraine, for example, in addition to cutting 25,000 health-care jobs, reducing the number of hospital beds, and, in some cases forcing hospitals to close, [39] the Government has also cancelled fuel subsidies. That will disproportionately affect rural residents (who comprise one third of the total population of Ukraine), in particular rural women, since they are already disadvantaged with respect to work, health and physical security when compared with women in urban areas and with men.

49. Austerity can affect women's reproductive health in particular and cause irreparable harm. For instance, adjustment measures often result in direct cuts to contraceptive supplies in the public sector, which has been found to contribute directly to an increase in unintended pregnancy and spiralling rates of maternal mortality. It can also trigger a rise in unsafe abortion.

The impact on violence against women

50. Violence faced by women and girls in its various forms contributes to the perpetuation of stigma and stereotypes, while reinforcing economic exploitation in a cyclical way that potentially results in less decision-making power, education and control over resources, thereby limits their opportunities. It also increases their exposure to economic exploitation [40] and other forms of gender-based violence. Women facing multiple and intersecting forms of discrimination face higher risks violence in public and private spheres and have limited access to justice. Austerity measures and associated spending cuts may lead to the weakening of the State's response[41] to violence, with important implications in terms of access to justice for victims.

51. Moreover, unemployment and poverty force many women, including young girls, into prostitution.[42] It also provides fertile ground for the trafficking of women for the purposes of sexual exploitation, forced marriage or recruitment of women as domestic workers in other countries.

52. In Brazil, for example, Constitutional Amendment No. 95, which froze public spending for 20 years, has meant that no new women's shelters have been built since 2017. Brazil currently has one of the highest rates of feminicide in the world[43] and has recently experience a significant increase in violence against women. [44]

53. In Cambodia, export-led growth strategies have exposed women to exploitation and violence in and around the workplace. Similar liberalization reforms have increased the percentage of women who resort to informal employment in India,

[39] Women's International League for Peace and Freedom and others, "Obstacles to women's meaningful participation in peace efforts in Ukraine: impact of austerity measures and stigmatization of organizations working for dialogue", joint submission to the Universal Periodic Review of Ukraine, March 2017. Available at: https://wilpf.org/wp-content/uploads/2017/04/UKRAINE_UPR_JointSubmission_30-Mar-2017.pdf.

[40] ActionAid, "Double jeopardy: violence against women and economic inequality", March 2017.

[41] Committee on the Elimination of Discrimination against Women, general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.

[42] Ibid., general recommendation No. 19 (1992) on violence against women.

[43] World Bank, "What does it mean to be a woman in Brazil? The answer will surprise you", 8 March 2017. Available at www.worldbank.org/en/news/feature/2017/03/08/ser-mujer-brasil.

[44] See the submission of the Bretton Woods Project to the Independent Expert. Available at https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/ImpactEconomicReformPoliciesWomen.aspx.

which has left poorer women economically marginalized and exposed to violence.[45] In addition, some workers cannot exercise their rights to freedom of association and collective bargaining, owing to the inappropriate use of contractual arrangements, with important implications in terms of the right to work and the misuse of the self-employment designation. This also has the potential to increase the risk of violence and harassment in the workplace,[46] which is particularly worrying given the ever-growing body of evidence of sexual harassment, violence, forced pregnancy testing, forced abortions and unlawful detention of young women who work for companies linked to global supply chains.

Tax (in)justice and discrimination against women

54. Austerity measures may result from the failure to mobilize maximum available resources owing to reductions in income and corporate tax rates. To balance the loss in revenue from such sources, some Governments have increased the value-added tax (VAT) levied on consumer goods and services. Since women are often responsible for buying food, clothes and general household goods, regressive tax measures, such as increases in VAT and other sales taxes, further shrink women's available income and reduce their purchasing power. In addition, although certain States have paid specific attention to the issue,[47] essential sanitary products for women carry high VAT rates in many countries. The fact that 93 developing countries are considering raising VAT has particularly troubling implications for the livelihoods of women, especially those who are living in poverty,[48] since it will most heavily affect women and increase reproduce inequality, all while failing to substitute for the revenue that is lost through tax dodging and avoidance.

55. Progressive tax regimes play a key role in the mobilization of the maximum of available resources to effectively tackle discrimination against women and provide free, high-quality gender-responsive public services to women. That includes an emphasis on the direct taxation of income, capital gains, wealth and high net worth individuals, and on ensuring that multinational corporations pay their fair share, while reducing reliance on flat rate VAT and sales taxes and curbing illicit financial flows[49] especially tax evasion and avoidance. Corporate income tax revenues are also an important aspect. For instance, a study has estimated that, for the garment and textile sector in Viet Nam, such revenue could amount to $40 million per year, or around 0.1 per cent of the country's total tax revenues (based on 2012 data).[50]

56. It is also necessary to highlight the concrete implications of tax injustice for women and their enjoyment of human rights. In general terms, women are underrepresented among high-income individuals and financial asset holders.

[45] See the submission of ActionAid to the Independent Expert. Available at https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/ImpactEconomicReformPoliciesWomen.aspx.

[46] ILO, *Meeting of Experts on Violence against Women and Men in the World of Work* (Geneva, 2017).

[47] See the submission of Mauritius to the Independent Expert. Available at https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/ImpactEconomicReformPoliciesWomen.aspx.

[48] Isabel Ortiz and others, *The Decade of Adjustment: A Review of Austerity Trends 2010–2020 in 187 Countries*, ESS Working Paper No. 53 (Geneva, ILO, 2017), p. 13.

[49] Attiya Waris, "Illicit financial flows: why we should claim these resources for gender, economic and social justice", 2017.

[50] Action Aid and Aid for Social Protection Program Foundation Viet Nam, "Stitching a better future: is Viet Nam's boom in garment manufacturing good for women?", November 2017, p. 5.

IV. Relevant standards on women's human rights in the economic sphere

A. Pertinent international human rights standards on women

57. Non-discrimination and equality between men and women are cornerstones of all core international human rights conventions and of regional human rights instruments and most national Constitutions. In the present section, the Independent Expert will briefly outline some pertinent key standards set out in the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights.

58. Articles 2 and 3 of the Convention on the Elimination of All Forms of Discrimination against Women enshrine the obligation of States parties "to pursue by all appropriate means and without delay a policy of eliminating discrimination against women". The Convention requires States parties to take all appropriate measures, including legislation, to guarantee women the exercise and enjoyment of all human rights on a basis of equality with men. Article 4 recognizes that potential temporary special measures are also required with the view to eliminating discrimination and achieving formal and substantive equality. The Committee on the Elimination of Discrimination against Women has clarified that those measures should aim to accelerate the achievement of gender equality and address "the structural, social and cultural changes necessary to correct past and current forms and effects of discrimination against women, as well as to provide them with compensation".[51]

59. The Committee on the Elimination of Discrimination against Women has explicitly addressed economic policy reforms a number of times. It has called upon States to mobilize sufficient resources to ensure the realization of women's human rights and to eliminate discrimination.[52] It has underlined that "even in times of fiscal constraints and economic crisis, special efforts must be made to respect women's human rights, sustain and expand social investment and social protection and employ a gender-sensitive approach, giving priority to women in vulnerable situations" (see CEDAW/C/GRC/CO/7). It has called upon States to ensure that any response to financial crises incorporates a gender perspective and that sufficient funds are allocated to address or mitigate the severe negative impacts of austerity measures on the lives of women and their access to health-care services specifically (see CEDAW/C/BRB/CO/5-8).

60. Articles 2.2 and 3 of the International Covenant on Economic, Social and Cultural Rights are integrally related and mutually reinforcing with respect to ensuring equality and non-discrimination for women with regard to all human rights as set out the Covenant. As underlined in the Covenant, equality between men and women is a crosscutting obligation.

61. In this context, the Committee on Economic, Social and Cultural Rights, in its general comment No. 16, stressed that States should ensure that, in practice, men and women enjoy their economic, social and cultural rights on a basis of equality. To that end, States should address gender-based social and cultural prejudices, enhance equality in the allocation of resources, and promote the sharing of responsibilities in the family, community and public life. Equality between men and women, and the elimination of discrimination based on sex, should be addressed both formally and

[51] Committee on the Elimination of Discrimination against Women, general recommendation No. 25 (2004) on temporary special measures.

[52] See, for example, Committee on the Elimination of Discrimination against Women, general recommendation No. 24 (1999) on women and health, para. 30.

substantively. In addition to taking positive action to eliminate prejudices or practices that perpetuate inequality, States should refrain from adopting direct or indirect discriminatory practices and measures.

62. The International Covenant on Economic, Social and Cultural Rights establishes two types of obligations for States parties: (a) obligations with immediate effect, notably the elimination of discrimination; and (b) the obligation to ensure the progressive realization of economic, social and cultural rights by making use of the maximum of their available resources.[53] That is, eliminating discrimination based on sex is not only an obligation of an immediate nature but also a non-derogable engagement of all States parties to the Covenant. As stated by the Committee on Economic, Social and Cultural Rights, "any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum of available resources".[54]

63. A range of International Labour Organization conventions promote gender equality at work, including Convention No. 100 (on equal remuneration); No. 111 (on discrimination in employment and occupation); No. 156 (on workers with family responsibilities); No. 183 (on maternity protection); and No. 189 (on the rights of domestic workers).[55]

64. In relation to transnational corporations and other business enterprises, the Guiding Principles on Business and Human Rights, in particular principles 12 and 18.1 therein, also provide guidance that is pertinent to gender equality.[56]

B. General limits to austerity and impermissible retrogression

65. At all times, States have the discretion to select and adopt policies according to their own needs and views. However, when adjustment and austerity measures are under discussion, specific substantive and procedural human rights obligations must be met.[57] The same applies to financial institutions that make policy recommendations to borrowing States.[58]

66. A crucial obligation of States parties under the International Covenant on Economic, Social and Cultural Rights is to take steps to the maximum of their available resources to ensure the progressive realization of rights. Such steps need to be deliberate, concrete and targeted and aim at the fulfilment of rights. Even in times of economic crises, States have to demonstrate that every effort has been made to comply with that obligation, including by creating additional fiscal space such as

[53] Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties' obligations.

[54] Ibid.

[55] See www.ilo.org/gender/Aboutus/ILOandGenderEquality/lang--en/index.htm.

[56] See A/HRC/17/31; endorsed by Human Rights Council resolution 17/4 of 6 July 2011.

[57] See Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007) on the right to social security, and letter dated 16 May 2012 by the Chairperson of the Committee on Economic, Social and Cultural Rights to State parties.

[58] *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980*, p. 73, para. 37; E/C.12/2016/1, paras. 7–9; and Committee on Economic, Social and Cultural Rights, general comment No. 2 (1990) on international technical assistance measures, para. 9.

through the levying of taxes to support social transfers to mitigate inequalities that can grow in times of crisis.[57]

67. The keystone standard for the evaluation of economic reforms is the prohibition of retrogression in the realization of economic, social and cultural rights. As stated by the Committee on Economic, Social and Cultural Rights, taking steps that would reduce the enjoyment of those rights is permissible only if States can prove that such retrogressive measures are:[58]

(a) Temporary: only remain in place when necessary;

(b) Legitimate: the ultimate aim is to protect the totality of human rights;

(c) Reasonable: the means chosen are the most suitable and capable of achieving the legitimate aim;

(d) Necessary: the means are deemed justifiable upon the most careful consideration of all other less restrictive alternatives;

(e) Proportionate: the adoption of any other policy or failure to act would be more detrimental to the enjoyment of economic, social and cultural rights;

(f) Non-discriminatory and have the ability to mitigate the inequalities that can emerge in times of crisis; and they ensure that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected;

(g) Protective of the minimum core content of economic, social and cultural rights; and they are based on transparency and the genuine participation of affected groups in examining the proposed measures and alternatives;

(h) Subject to meaningful review and accountability procedures.

V. International financial institutions and their gender impact approach

68. International financial institutions are mandated to promote economic growth and financial stability, and are often seen to be at the apex of the global economic order.[61] Through lending programmes, surveillance and technical assistance, international financial institutions prescribe macroeconomic policies with obvious implications for gender equality and human rights.

69. In that regard, IMF acknowledges that its emphasis on the importance of achieving inclusive sustainable economic growth leads its work to support policies that provide a foundation for the exercise and enjoyment of human rights.[62] Through its surveillance work, IMF is well-positioned to promote policies that have a positive gender impact. It has actually referred to the importance of addressing gender inequality in international and national economic policies, and it has recently taken stock of gender budgeting and practices in several countries.[63] In fact, IMF has been

[59] Committee on Economic, Social and Cultural Rights, general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 23.

[60] See E/C.12/2016/1; Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007), para. 42; A/HRC/37/54.

[61] Bretton Woods Project, *The IMF and Gender Equality: A Compendium of Feminist Macroeconomic Critiques* (London, 2017). Available at www.brettonwoodsproject.org/wp-content/uploads/2017/10/The-IMF-and-Gender-Equality-A-Compendium-of-Feminist-Macroeconomic-Critiques.pdf.

[62] International Monetary Fund (IMF) comments on the present report, 13 July 2018.

[63] Lisa Kolovich, *Fiscal Policies and Gender Equality* (Washington, D.C., IMF, 2018).

promoting gender budgeting as an effective way to use fiscal policies to address gender inequality. Some of that work has provided the basis for policy advice and technical assistance in countries such as Argentina, Austria, Bahrain and the Islamic Republic of Iran.[64] It has also examined the removal of tax policies that have discriminatory impacts on women.[65]

70. Gender equality can be justified on intrinsic grounds, as a goal in and of itself, which speaks to the human rights-based arguments under discussion in the present report. However, gender equality can also be justified on instrumental grounds, that is, as a means to achieve economic growth and development goals. The recent focus of IMF, along with the approach adopted by a number of States, appears to be mostly instrumental. That approach can present serious conflicts with the intrinsic importance of gender equality as a key component of human rights standards, in particular in the light of the economic policies proposed and promoted by international financial institutions in recent years.

71. Some research shows that securing certain human rights is good for growth and for the distribution of its benefits.[66] However, there is no conclusive evidence to show that gender equality is always good for growth. In fact, some evidence shows that gender inequality can be conducive to some forms of economic growth.[67]

72. If Governments actually ensure that the fruits of growth are fairly distributed, instrumental justifications could complement the intrinsic human rights-based arguments. That distribution could be achieved through a number of measures, such as the provision of financial incentives, social services, technology and infrastructure, the collection of adequate revenues and the creation of economic opportunities for all.

73. The effectiveness of the approach of international financial institutions to gender inequality raises important questions when it comes to reducing the coverage of social protection benefits, fiscal space for social services and investments in infrastructure that are sustainable and gender-responsive. Not addressing structural barriers to women's enjoyment of economic and social rights and remaining silent about the impacts of illicit financial flows, regressive tax regimes and austerity measures on women's human rights also raises important considerations in that sense.

74. The work of IMF is largely centred on how closing gender gaps in labour force participation can have positive growth effects. While it might be the case that a specific policy that encourages women to enter into the paid labour force is good for growth, if entry is not on equal terms with men, it could lead to the reinforcement of gender inequality.

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[64] IMF, "How to operationalize gender issues in country work", policy paper (Washington, D.C., IMF, 2018), p. 7. Available from www.imf.org/en/Publications/Policy-Papers/Issues/2018/06/13/pp060118howto-note-on-gender.

[65] See for example, IMF, "Morocco: 2016 article IV consultation", IMF Country Report No. 17/36, February 2017.

[66] See for example, Sigrid Alexandra Koob, Stinne Skriver Jørgensen and Hans-Otto Sano, *Human Rights and Economic Growth: An Econometric Analysis of Freedom and Participant Rights* (Copenhagen, Danish Institute for Human Rights, 2017).

[67] To capture the full extent of gender equality's contribution to growth, human resource aggregates of the reproductive economy need to be included; Aniruddha Mitra, James T. Bang and Arnab Biswas, "Gender equality and economic growth: is it equality of opportunity or equality of outcomes?", *Feminist Economics*, vol. 21, No. 1 (2015); Katrin Elborgh-Woytek and others, "Women, work, and the economy: macroeconomic gains from gender equity", Staff Discussion Note 13/10 (Washington, D.C., IMF, 2013); Alison Vásconez Rodríguez "Economic growth and gender inequality: an analysis of panel data for five Latin America countries", *CEPAL Review* (August 2017). Available from: https://www.cepal.org/en/publications/42660-economic-growth-and-gender-inequality-analysis-panel-data-five-latin-american.

75. It seems that IMF is neglecting both the potential of gender inequality under certain conditions to stimulate growth and the macroeconomic and institutional enabling conditions that foster gender equality.[68] At the very least, IMF should engage in research into those policies that deliberately make use of women's cheap labour to grow the economy and gain a competitive advantage, which ultimately create the very structures that maintain and exacerbate discrimination and inequality rather than alleviate them.

76. While the gender strategy of the World Bank Group for the period 2016–2023 takes into account barriers to women's economic participation, some argue, however, that a more comprehensive understanding of women's economic empowerment in work-related areas would be needed to achieve substantive equality.[69] For example, Cambodia has seen impressive growth in recent years, and its garment industry, whose labour force is composed almost entirely of women workers, has largely been responsible, accounting for a massive 80 per cent of Cambodia's total export earnings. At the same time, however, the gender wage gap in the county more than doubled between 2004 and 2009.[70]

77. The structural adjustment programmes of IMF and the World Bank Group have historically been the object of even greater criticism for imposing harsh austerity measures that have significantly and disproportionately impacted the poor and exacerbated inequality, including gender inequality. As recently as 2018, IMF has been prescribing policies that undermine gender equality and the fulfilment of women's human rights. Some of those prescriptions include reducing food subsidies, privatizing public utilities, downsizing social safety nets and lowering public wages, along with labour deregulation, reductions in pensions, public service cuts and regressive tax regimes through the introduction of or increases in VAT while reducing corporate tax rates.[71]

VI. Conclusions

78. The current economic system is, for the most part, sustained by gender inequality and discrimination against women in the labour market. Of the various forms of inequality, women's unpaid care work is a crucial and yet often neglected consideration in the design of policies and economic reforms. A human rights approach to economic issues should endeavour to address the asymmetric power relations that underpin gender inequality.

79. Mainstream economic thinking does not take into account the value of domestic and unpaid care work and its contribution to the economy. Women carry out the bulk of that work, which underpins economic growth. In addition, unpaid work unjustly absorbs economic shocks and often compensates for austerity measures. The disproportionate burden of unpaid work on women and girls constitutes an important barrier to their gaining access to the right to work.

80. Austerity hits women harder. Most women are already confronting a range of structural inequalities, including pay gaps, occupational segregation, informality, precarious jobs, unemployment, lack of access to and control over land, credit and other productive resources, and the heavy burden of unpaid work. In addition, many

[68] Günseli Berik, "Beyond the rhetoric of gender equality at the World Bank and the IMF", *Canadian Journal of Development Studies*, vol. 38, No. 4 (2017).

[69] See Bretton Woods Project, "World Bank releases new gender strategy", 9 February 2016. Available at www.brettonwoodsproject.org/2016/02/world-bank-releases-gender-strategy/.

[70] ActionAid, "Close the gap! The cost of inequality in women's work", January 2015. Available at www.actionaid.org.uk/sites/default/files/publications/womens_rights_on-line_version_2.1.pdf.

[71] Bretton Woods Project, *The IMF and Gender Equality*.

women also face discriminatory norms, gender stereotypes and various forms of violence. In addition, women are often underrepresented in politics and decision-making, and may have fewer opportunities to participate in decisions that directly or indirectly affect their living conditions and those of their families and communities. In some cases, owing to their economic disadvantages or specific needs, many women tend to use the employment, health and education services provided by the public sector. Often, women also depend on social transfers, social housing and utility subsidies, along with disability benefits and child benefits, or, in the case of women living in poverty, cash transfers and in-kind transfers.

81. Hence, austerity-driven fiscal consolidation measures and economic reforms, such as those encouraging labour market flexibilization reductions in the coverage of social protection benefits and services, cuts to public-sector jobs, and the privatization of services, tend to negatively affect women more than men (the so-called triple jeopardy). Instead of creating such situations, which can often constitute discrimination, State policies should focus on their prevention.

82. Austerity and fiscal consolidation policies hit the most vulnerable groups within a given population, among whom women are overrepresented and the most exposed, giving rise to intersecting forms of discrimination. Among the women who are most exposed are single mothers, young women, women with disabilities, older women, refugee and migrant women, lesbian, bisexual, transgender and intersex women, those women who belong to ethnic, religious and linguistic minorities, women in rural areas, and women who live in poverty or extreme poverty. A series and/or combination of austerity and fiscal consolidation measures often provokes cumulative adverse impacts for women.

83. In the view of the Independent Expert, gender-responsive policymaking should be an essential requirement for conducting a human rights impact assessment of economic reform policies. To that end, States and other stakeholders should ensure women's participation in the process, especially those who are likely to be affected and those groups of women most exposed to the negative impacts of the reforms. Given that women are not a monolithic group and there are significant differences in terms of identity, status, access to resources and agency, systematic data collection would be important in order to identify and anticipate the impacts of such measures on the women who would potentially be affected.

84. Human rights impact assessments, with a clear gender focus, can better ensure the realization of women's human rights by addressing structural socioeconomic barriers. It is important to note that policies that might improve overall social indicators might not do so for women. In Latin America, for example, while overall income inequality seems to have decreased, female poverty rates have increased, and, more specifically, young women of reproductive age are more likely to live in poverty than their male counterparts since they cannot gain access to the labour market in the absence of public care services.[72] All this proves that impact assessments of economic policies must be gender transformative in order not to pay lip service to human rights.

85. The Independent Expert concludes that the prohibition of impermissible retrogressive measures that disproportionally discriminate against women should be embedded in the discussion of economic policy reform. In other words, the design, monitoring and implementation of economic policy reforms should be guided by the principles of non-discrimination, the progressive realization of economic, social and cultural rights, and the use of the maximum of available resources. Discriminatory economic policies cannot be justified on the basis of the need to achieve short-term

[72] UN-Women, *Turning Promises Into Action: Gender Equality in the 2030 Agenda for Sustainable Development* (New York, 2018).

macroeconomic targets and without regard to the human rights and gender impacts. Such policies should also not try to mitigate the extreme social impacts for certain groups only. Economic policies that give rise to impermissible retrogressive measures against women or certain groups of women are illegal from a human rights perspective.

86. Furthermore, the Independent Expert emphasizes that the positive impacts of investing in the care economy are potentially exponential. Not only do such investments have positive effects on women's income and time, but they may also serve to address the more fundamental determinants of gender inequality by facilitating a shift in gender norms. Governments can play a role in that regard by funding high-quality childcare, reliable child-support payments, paid parental leave for men and for women, and providing working mothers with the resources necessary to compete in some traditionally male-dominated sectors on an equal footing with men.

87. In preparing the present report, the Independent Expert has learned that during times of economic crisis, public investment in childcare and elder care creates virtuous cycles by which the investment not only addresses the care deficit through the delivery of crucial care services, but also kick starts a multiplier effect in generating jobs (usually for women), which puts more money in the hands of households (usually low-income households), which, in turn, reduces social spending through reduced payments of unemployment benefits, and increases the income of and consumption tax revenues from the newly employed workforce.

88. International financial institutions (and many States) have adopted an instrumentalist gender agenda that focuses almost exclusively on growth. Although polices resulting in gender inequality in pay may indeed boost growth, the issue of gender equality cannot be reduced to women's labour force participation and should not be approached as a separate or emerging issue. The agenda of international financial institutions should be reshaped and bound by human rights considerations. International financial institutions should urgently address the impact of prescribed macroeconomic policies, lending and technical assistance on women's opportunities to exercise their right to work, to social protection and to gain access to public services. Women's disproportionate unpaid care burden, limitations on their ability to exercise choice over their economic activities, and the adverse gender implications of regressive tax regimes should also be urgently addressed.

89. Macroeconomic policies will continue to fail to address structural gender inequalities as long as the collective voice of women's rights advocates and feminist economists is sidelined and ignored in economic decision-making. A recent positive example was the choice by Iceland to deal with its financial crash and banking collapse in 2008–2009 in a human rights- and gender-sensitive manner (see A/HRC/28/59/Add.1 and A/HRC/26/39). The country's quick recovery shows that policies that discriminate against women are not the only possible response in the face of economic crises.

VII. Recommendations

90. **In relation to his conclusions, the Independent Expert recommends that States:**

1. **Create an enabling macroeconomic environment for gender equality, in particular by:**

(a) **Undertaking independent, participatory, informed, transparent and gender-sensitive human rights impact assessments of economic reform**

policies. In doing so, States should consider alternative policies that avoid, or at the very least minimize and remedy, potential adverse effects on gender equality and women's human rights in designing and implementing economic reform policies;

(b) Identifying and effectively addressing measures that could entail retrogressive effects for women's human rights, foreseeing, for example, negative outcomes with respect to the distribution of unpaid care work;

(c) Identifying and avoiding economic reforms policies that would have far reaching implications for the enjoyment of several human rights by women and that might lead to direct, indirect or cumulative discrimination. It is crucial to recognize the heightened vulnerability of specific subgroups of women and to tailor the responses accordingly;

(d) Evaluating government spending, taxation, debt and monetary policy for their effects on gender equality and women's human rights and addressing impacts that might be detrimental;

(e) Addressing gender biases in tax systems and raising taxes effectively and progressively from those who have greater incomes. That means, among other things, ensuring that companies are paying their fair share of taxes, including by curbing tax incentives, and increasing the share of tax revenue from direct taxation of income and wealth, instead of relying on indirect taxes such as VAT;

(f) Using gender-responsive and participatory budgeting, involving civil society organizations, at all levels of Government to ensure that sufficient resources are allocated to implement laws, policies and programmes that promote gender equality;

(g) Using countercyclical macroeconomic policies to reduce the risk and impact of economic shocks, which disproportionately hit women. States should use fiscal policy to maximize their available resources for the progressive realization of women's human rights, in line with article 2.1 of the International Covenant on Economic, Social and Cultural Rights;

(h) Conducting ex ante and ex post human rights impact assessments with a robust gender dimension when negotiating trade and investment agreements;

(i) Establishing mechanisms to ensure information-sharing between the communities affected and policymakers, to ensure that the implementation of economic policy is monitored and adjusted according to its impact on human rights and gender;

(j) Providing gender-oriented human rights training in relation to economic policies to all government officials, ministers and parliamentarians, especially those who are engaged in making and implementing economic policy.

2. Recognize, redistribute and reduce unpaid care and domestic work, in particular by:

(a) Recognizing unpaid care and domestic work as valuable work, taking into account the actual economic value and contribution of such work to the economy and including it in national accounts;

(b) Funding gender disaggregated time-use surveys that monitor time spent on such work on a regular basis;

(c) **Redistributing unpaid care work from households to the public sector by investing more public funds in the care economy (that is, in caring for people with disabilities, children and the elderly, as well as healthcare);**

(d) **Ensuring that high-quality care services are accessible and affordable to all, taking into account all possible family structures without any kind of discrimination;**

(e) **Supporting the equal redistribution of unpaid care and domestic work between men and women through measures such as paid maternal and parental leave;**

(f) **Reducing the time it takes people to provide high-quality care and domestic work by investing in labour-saving equipment and infrastructure, with a view to ensuring the exercise of the rights to water, sanitation, work, housing, health and education, and investing in essential services such as electricity and public transportation;**

(g) **Protecting the rights of unpaid care workers by promoting the inclusion of those with unpaid care responsibilities in political activity and economic decision-making, introducing labour regulations that enable those undertaking unpaid care work to also engage in remunerated work, and ensuring that unpaid care work does not reduce access to social protection.**

3. **Prioritize policies that promote the right to work, in particular by:**

(a) **Promoting and protecting labour regulations that promote the right to just and favourable conditions of work, including decent work, collective bargaining and freedom of association, thereby ensuring that women enjoy decent work equally with men. States should ratify the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto, and ILO Conventions No. 100 (on equal remuneration) and No. 189 (on the rights of domestic workers);**

(b) **Supporting the proposed ILO convention on gender-based violence and harassment in the world of work;**

(c) **Setting and enforcing living wages at adequate levels as a way to realize greater gender equality in pay and a decent living for workers and their families. States should guarantee rights relevant to collective bargaining on wages and reverse reforms that have reduced the coverage of collective agreements;**

(d) **Ensuring that employment regulations and social and legal protection are extended to cover workers in the informal economy and throughout the supply chain. Migrant workers should be protected in countries of origin, destination and transit;**

(e) **Creating more decent work for women, including by investing in jobs in the public sector, where women are disproportionately overrepresented, and funding targeted job creation schemes.**

4. **Address the adverse effects of economic reforms for women through a robust social security net, in particular by:**

Ensuring access to social protection for all throughout their lives, without regard to employment, migration or any other status, and ensuring that women will not be excluded from such access. Given the number of women in the informal sector and the vast amount of time that women spend on unpaid care

work, the introduction of universal non-contributory social protection is essential.

5. **Ensure consultation with and the informed participation of women's rights organizations, social partners and civil society, in particular by:**

Ensuring the equal, full and meaningful participation and representation of women at all levels in the design, monitoring and implementation of policies, including feminist experts, women's rights organizations and women from marginalized groups, including through, for example, holding open consultations on budgets, trade agreements, and other major economic policy decisions with women's human rights organizations and other relevant stakeholders.

91. **The Independent Expert recommends that international financial institutions effectively contribute to gender equality, in particular by:**

(a) **Ensuring that loan programmes are agreed upon only after human rights impact assessments with a clear gender dimension have been conducted, and that any potential deficiencies are remedied;**

(b) **Addressing risks of negative impacts on women's human rights resulting from conditionalities, monitoring the impact of subsequent reforms and proposing an alternative policy mix if adverse gendered impacts from the proposed conditionalities are identified;**

(c) **Acknowledging that the elimination of gender discrimination requires substantial and sustained public investment, including in social and physical infrastructure, and that, therefore, promoting a fiscal rollback by the State can be counterproductive in achieving the realization of women's human rights;**

(d) **Developing policy advice with a focus on raising sufficient domestic revenue in equitable ways to assist countries in making better use of income, capital, property and wealth taxes;**

(e) **Making use of progressive taxation and ensuring that measures and mechanisms that may lead to more effective redistribution of resources between women and men are used.**

92. **In line with the present report and his conclusions, and in keeping with the Guiding Principles on Business and Human Rights, the Independent Expert recommends that businesses:**

(a) **Create conditions that enable women to engage in employment, in accordance with human rights standards and principles, including those of equality and non-discrimination;**

(b) **Ensure that their practices and activities do not contradict or weaken the role of the State in promoting and protecting women's human rights;**

(c) **Comply with human rights standards, including those on equality and non-discrimination in relation to women, when undertaking corporate restructuring measures in the face of economic downturns;**

(d) **In addition, business associations should take proactive measures to encourage and build the capacity of their members to respect human rights and gender equality.**